

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MICHAEL EVERT CARPENTER,

Plaintiff,

Case No. 20-cv-1887-pp

v.

WINNEBAGO COUNTY JAIL,

Defendant.

**ORDER GRANTING PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO
PAY INITIAL PARTIAL FILING FEE (DKT. NO. 9)**

The plaintiff, who was confined at the Winnebago County Jail when he filed this case, filed a complaint alleging that the defendant violated his rights under the Americans with Disabilities Act, dkt. no. 1, along with a petition for leave to proceed without prepaying the filing fee, dkt. no. 2. On December 23, 2020, the court ordered the plaintiff to pay an initial partial filing fee of \$1.33, as required by the Prison Litigation Reform Act (PLRA), 28 U.S.C. §1915(b)(1). Dkt. No. 5. The plaintiff has filed a letter asking for more time to pay that fee. Dkt. No. 9. He says that he owes money to the jail's medical and dental departments, and that he does not have a release account. *Id.* The plaintiff's trust account statement confirms that he has incurred multiple medical charges at the jail. Dkt. No. 8 at 2-3, Dkt. No. 3.

The PLRA requires the plaintiff to pay an initial partial filing fee before the court considers the merits of the case. *See Newlin v. Helman*, 123 F.3d

429, 435 (7th Cir. 1997), overruled on other grounds by Lee v. Clinton, 209 F.3d 1025 (7th Cir. 2000), and Walker v. O'Brien, 216 F.3d 626 (7th Cir. 2000). Because the court cannot take any further action on the plaintiff's case until he pays that fee, the court will give him the time he requests.

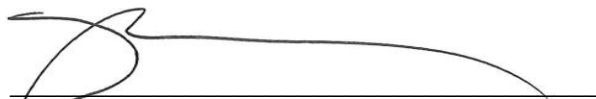
The court will send a copy of this order to the Winnebago County Sheriff.

The court **GRANTS** the plaintiff's motion for extension of time to pay the initial partial filing fee. Dkt. No. 9.

The court **ORDERS** that the plaintiff must forward to the Clerk of Court the sum of **\$1.33** as an initial partial filing fee, in time for the court to *receive* it by the end of the day on **March 5, 2021**. If the court does not receive the \$1.33 initial partial filing fee, or a request for more time to pay it, by the end of the day on March 5, 2021, the court will conclude that he has decided to voluntarily dismiss his case and the court will dismiss it without prejudice.

Dated in Milwaukee, Wisconsin this 2nd day of February, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge